

App. Serial No. 10/509,564
Docket No.: NL020287 US

Remarks

For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated August 29, 2006 indicated that claims 8-9 are withdrawn following a provisional election; claims 1-3 and 7-8 stand rejected under 35 U.S.C. § 102(b) over Sheridan (EP 0544408); claims 4-5 stand rejected under 35 U.S.C. § 102(b) over Sheridan (EP 0544408) in view of Giovine and claim 6 is indicated as potentially allowable if rewritten in independent form. Applicant submits that the Section 102(b) rejection of claims 4-5 is improper as it improperly relies upon a combination of teachings from two references (i.e., the Sheridan and the Giovine references). Applicant has assumed arguendo that the rejection of claims 4-5 is instead a Section 103(b) obviousness type rejection.

In view of the provisional election made of Group I, claims 1-7, claims 8 and 9 are presently cancelled, without prejudice for possible prosecution in a continuing application.

Applicant has amended claim 1 to include limitations directed to the use of a third layer of the first material of the first layer. For consistency with the amendment, Applicant has amended claim 5 and canceled claim 6.

Applicant respectfully traverses the Section 102(b) rejections of claims 1-3 and 7 because the cited portions of the Sheridan EP '408 reference fail to correspond to all of the claimed limitations of claim 1. As recognized by the Office Action, none of the cited references teach a first and third layer of the same material, as required by claim 1. Moreover, each of claims 2-3 and 7 depend from claim 1 and necessarily contain all the limitations of claim 1. Accordingly, Applicant requests that the Section 102(b) rejections of claim 1-3 and 7 be withdrawn.

Applicant respectfully traverses the Section 102(b) rejections of claims 4-5 because the rejection relies improperly upon two references. Notwithstanding, none of the cited portions of the references teach all of the claimed limitations. As discussed herein and recognized by the Office Action, the cited references fail to teach all the limitations of claim 1. Accordingly, Applicant requests that the Section 102(b) rejections of claims 4-5 be withdrawn.

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In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the attorney overseeing the application file, Adam L. Stroud, of Philips Corporation at (408) 474-9074.

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